

Appl. No. 10/059,164

REMARKS / ARGUMENTS

Claims 1-11, 13-15, and 17-20 remain in the application. Claims 1,6,10,13,17 and 18 have been amended. Claims 12 and 16 have been cancelled.

In the Office Action, the Examiner rejected all of the claims on the basis that they define subject matter which is anticipated by or obvious in view of the prior art. The primary prior art references are Tu (U.S. Patent No. 6,130,790) and Skiver (U.S. Patent No. 6,329,925), and the secondary prior art references are Sorenson (U.S. Patent No. 6,039,455) and Goosen (U.S. Patent No. 4,932,769). The Examiner also rejected claims 10-19 as being indefinite.

In response, we have amended the claims to overcome the prior art references. We have also amended claim 10 to replace the term "shape" in line 11 with the word "shaft", to overcome the indefiniteness objection. We submit that the claims as amended are allowable, for the following reasons.

Regarding claim 1, the Examiner asserts that Skiver teaches a rearview mirror apparatus for mounting to the inside of the front windshield comprising an elongated mirror housing shaped to extend across a longitudinal axis substantially across the top portion of the windshield. We submit that this is not the case, as Skiver discloses a conventional mirror, not an elongated mirror with extends across most of the windshield. To more clearly distinguish the claimed subject matter from Skiver, we have amended clause (a) of claim 1 to replace "substantially across" with "across at least 80% of", to make it clear that the claimed elongated mirror housing extends across at least 80% of a top portion of the windshield. This amendment clearly distinguishes the claimed mirror from that disclosed by Skiver, in our submission.

Regarding claim 6, the Examiner claims that the subject matter thereof is obvious in view of Skiver and Tu. We submit that this is not the case, because Tu discloses the use of a mirror having only a single telescopic mount. Moreover, neither Skiver nor Tu discloses a mirror having an elongated mirror housing like the subject mirror housing. However, to further distinguish the claimed subject matter from the prior art, we have amended clause (a) of claim 6 to replace "substantially across" with "across at least 80%", and we have added the language "wherein the pair of mounts comprise a first mount and second mount space therefrom" to the end of clause (c).

We submit that claim 1 and claim 6 define subject matter which has a significant advantage over the prior art. Whereas Skiver and Tu disclose conventionally shaped mirrors, the claimed subject matter is directed to an elongated mirror, which provides a considerably greater field view than the conventionally shaped mirrors disclosed by the prior art. We also note that the mirror disclosed in Tu utilizes suction cups, which are believed to be a dangerous form of mounting which is prone to becoming detached as a

result of vibration, which could conceivably result in loss of control should a driver attempt to grab the mirror as it comes loose during driving activity.

Regarding claim 10, we have amended clause (b) to specify the nature of the first joint mechanism and the second joint mechanism. Claim 10 as amended now defines the first joint mechanism as comprising an annular flange extending from the first end of the cylinder, and a U-shaped bracket attached to the mirror housing, the U-shaped bracket being U-shaped to receive the annular flange. In addition, the second joint mechanism has been defined as comprising a ball and socket joint. We submit that these amendments distinguish the claimed subject matter from that of Tu, because Tu discloses a telescopic mount having a ball and socket joint on each end, as opposed to a mount having the claimed combination of joints. Furthermore, while Sorenson discloses a joint for a rearview mirror comprising an annular flange and a U-shaped bracket, the mount of Sorenson does not include a ball and socket joint at the other end, and there is no suggestion in either Sorenson or Tu that one of the ball and socket joints of Tu could be replaced by the annular flange and U-shaped bracket joint of Sorenson, to produce the adjustable mount having the combination of joint mechanisms claimed in amended claim 10.

We submit the combination of a ball and socket joint on one end of the mount and a annular flange and U-bracket joint on the other end of the mount, defined in claim 10, is not disclosed in the prior art. Furthermore, this combination is advantageous over the prior art, since the annular flange/U-bracket mount restricts movement to one plane, and also provides a greater degree of movement in that plane as compared to a ball and socket joint. This particular combination of joints is believed by the applicant to be advantageous for use with elongated mirrors, which require a significant degree of movement in only one plane, provided by the annular flange joint, in addition to the limited movement in all planes provided by the ball and socket joint. We therefore submit that this combination of joint mechanisms is not obvious in view of the prior art.

Regarding claim 15, the Examiner claims that it is well known to have a flange with serrated sides, to create a strong connection, but the Examiner does not provide any prior art in support of this position. We therefore submit that the subject matter of claim 16, having an annular flange with serrated side surfaces, is not obvious in view of the prior art.

Regarding claim 18, the Examiner claims that Tu teaches a mirror having a base plate attached to a socket at an eccentric angle. We submit that such is not the case. We have amended claim 18 to make it clearer that the opening of the socket extends at a preselected angle relative to the flat base plate, and we submit that claim 18 as amended defines subject matter which is not anticipated by or obvious in view of the prior art.

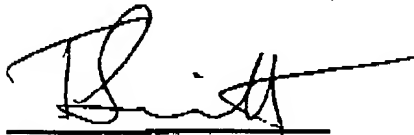
For the forgoing reasons, we submit that all of the claims as amended are allowable over the prior art.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment titled "Version with markings to show changes made".

Please charge any additional fees payable as a result of the filing of this amendment to our deposit account No. 02-2095.

We submit that this application is now in condition of allowance, and this action is respectfully requested.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

1. (once amended) Rearview mirror apparatus for mounting to an inside portion of a front windshield, comprising:

(a) an elongated mirror housing shaped to extend along a longitudinal axis substantially across at least 80% of a top portion of the windshield, the housing having a elongated front opening;

(b) a planar mirror mounted within the opening of the housing, wherein the mirror is disposed in a plane extending at an angle to the longitudinal axis of the housing; and

(c) a pair of spaced mounts extending from a back portion of the housing for mounting the housing to the windshield.

6. (once amended) Rearview mirror apparatus for mounting to an inside portion of a front windshield of a vehicle, comprising:

(a) an elongated mirror housing extending along a longitudinal axis substantially across at least 80% of a top portion of the windshield of the vehicle;

(b) a planar mirror mounted within the housing; and

(c) a pair of spaced mounts extending from a back portion of the housing for mounting the housing to the windshield, wherein the pair of mounts comprise a first mount and a second mount spaced therefrom;

(d) wherein each of the mounts comprises an adjustable mount having a telescopic main body extending generally perpendicular to the housing and the windshield.

10. (once amended) An adjustable mount for mounting a housing for a rearview mirror to an inside portion of a windshield of a vehicle, comprising:

(a) a telescopic main body extending generally perpendicularly to the housing and the windshield, the telescopic main body comprising a cylinder having a closed end adjacent to the housing and an open end adjacent to the windshield,

a shaft shaped to slidingly fit within the cylinder through the open end, and securing means for adjustably securing the shape shaft in a set position relative to the cylinder;

(b) a first joint mechanism extending from the closed end of the cylinder for pivotally connecting the cylinder to the housing, wherein the first joint mechanism comprises an annular flange extending from the first end of the cylinder, and a U-shaped bracket attached to the mirror housing, the U-shaped bracket having spaced side portions extending perpendicularly to the housing, the side portions being spaced apart to slidingly receive the annular flange; and

(c) a second joint mechanism extending from the shaft for rotatably connecting the shaft to the windshield, wherein the second joint mechanism comprises a ball extending from the end of the shaft, and a socket portion attachable to the windshield, wherein the ball is shaped to fit within an opening in the socket portion.

Claim 12 has been cancelled.

13. (once amended) The apparatus defined in claim 42 10, wherein the annular flange has a central aperture, and the side portions of the U-shaped bracket have an aperture which registers with the aperture in the annular flange.

Claim 16 has been cancelled.

17. (once amended) The apparatus defined in claim 46 10, wherein the socket portion comprises a socket attached to a base, wherein the base includes a flat base plate.

18. (once amended) The apparatus defined in claim 17, wherein the socket is mounted to the base so that the opening extends at a preselected eccentric angle relative to the flat base plate.